

## **XI. ALTERNATIVES TO THE LISTING**

The Commission has options available to it in responding to the petition to list. Several alternatives are described below.

### **I. Recommended Alternative**

The Department of Fish and Game is recommending that the Commission list California coho salmon between Punta Gorda and the Oregon border as threatened and list the species between San Francisco and Punta Gorda as endangered.

### **II. Alternative Listing Scenarios**

The Commission will base its decision whether to list on the Department's Status Review, other scientific reports that are submitted and any other public comments and submissions it receives. The Commission may review all of the pertinent information and conclude that listing is warranted, but at a level different than that recommended by the Department or requested by the petitioners.

The regulatory standard for the Commission's determination provides that,

“[a] species shall be listed as endangered or threatened ... if the Commission determines that its continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

(14 CCR § 670.1(i)(1)(A))

Therefore, the Commission is required to list a species as "endangered or threatened" if one or more of the above-mentioned factors pose a serious danger or threat to the continued existence of the species. If the standard in section 670.1 is met, then the Commission will ultimately determine the level at which listing is appropriate.

FGC section 2062 defines an endangered species as one “which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease”.

FGC section 2067 defines a threatened species as a species “that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by [CESA].” The petitioners, the Salmon and Steelhead Recovery Coalition, assert that listing coho as endangered is warranted throughout its entire range in California.

---

## **XI. ALTERNATIVES TO THE LISTING**

### **III. Recovery Strategy Pilot Program**

The Commission may elect to designate coho for recovery planning pursuant to the Recovery Strategy Pilot Program (FGC section 2105 et seq.). The objective of the Recovery Strategy Pilot Program is the development of recovery strategies with the goal that regulations or other protections for listed species will no longer be necessary. The Recovery Strategy Pilot Program authorizes the Commission to identify four species that are listed as candidate, threatened or endangered species for which recovery strategies shall be developed and implemented (FGC section 2106). The Commission may designate a candidate species for recovery planning with the concurrence of the listing petitioner (*ibid.*) or elect to designate the species for recovery planning in conjunction with the listing of the species, without the concurrence of the listing petitioner. If the Commission designates a candidate species prior to listing, with the concurrence of the petitioner, the Commission may delay a listing decision for twelve to eighteen months until a final determination is made with regard to the recovery strategy (FGC section 2114).

If the Commission were to designate coho as a species subject to the Recovery Strategy Pilot Program, the Department would assemble a recovery team consisting of department personnel, other State and federal agency personnel if appropriate, representatives of affected local governments, landowners, environmental groups and persons with scientific expertise (FGC section 2107). The team would prepare a recovery strategy within approximately 12 months of designation by the Commission (FGC section 2109). The Department may include specifications in the proposed recovery strategy regarding allowable taking of the species and policies regarding issuance of incidental take permits that are consistent with the recovery strategy (FGC section 2110). Any rulemaking proceedings that follow the Commission's consideration of the final recovery strategy would include the Department's specifications and would consider the recovery strategy, although the recovery strategy itself would not constitute a regulation (FGC section 2114).

The Commission would hold a public hearing after the Department submitted the recovery strategy for approval. The Commission would be required to approve the recovery strategy upon making findings that:

- C the recovery strategy would conserve, protect, restore, and enhance the species;
- C the recovery strategy and implementation schedule are capable of being carried out in a scientifically, technologically, and economically reasonable manner;
- C the recovery strategy is supported by the best available scientific data; and
- C the recovery strategy represents an equitable apportionment of both public and private and regulatory and nonregulatory obligations.

The Department would continue to consult with the recovery team after approval of the recovery strategy and report annually to the Commission on the status and progress of the implementation of the recovery strategy (FGC section 2113).

---

## **XI. ALTERNATIVES TO THE LISTING**

#### **IV. Determination That Listing Is Not Warranted:**

If the Commission determines that listing is not warranted, the California coho salmon north of San Francisco (“coho”) will revert to the unlisted status under State law that it held prior to the petition filing. While projects with the potential to take coho will not be required to obtain State incidental take permits, the existing federal and State permit requirements that existed prior to the petition filing will remain in place. For example, the State will continue to negotiate Streambed Alteration Agreements and comment on Timber Harvest Plans, federal incidental take permits, applications to the State Water Resources Control Board, etc. Also, the Department of Fish and Game will continue to act as the trustee agency for the State’s fish, wildlife and plant resources. In this role, the Department will review and comment on impacts to coho and recommend mitigation measures for these impacts as part of the CEQA review process.

In the absence of a listing decision by the Commission, the Department would also continue to participate in and support a variety of programs designed to benefit coho and other anadromous fish. Many of the Department’s existing management efforts are detailed in Chapter VII of this Status Review, including:

- C prevention of disease;
- C preparation of Hatchery and Genetic Management Plans;
- C continuation of working with other State Agencies to decrease impacts from timber related projects;
- C implementation of the Pacific Lumber Company Habitat Conservation Plan;
- C increasing the number and improve the quality of fish screens on water diversions in coho habitat;
- C preparation of instream flow studies;
- C participation in identifying, removing and retrofitting existing barriers to fish passage;
- C working with gravel extractors to avoid, minimize, or mitigate for impacts to fisheries resources;
- C continuing to restore and enhance salmon and steelhead habitat throughout the State through the Fish Restoration Grants Program;
- C participation in the Coastal Watershed Restoration Program and many other federal and State conservation and restoration programs operating in the petitioned area;
- C regulation of coho inland sport fishing; and
- C conducting research and monitoring programs.

In addition to the Department’s efforts, local governments and private parties in the petitioned area currently participate in a variety of programs designed to improve coho status and habitat. One interested party, the County of Siskiyou, has specifically requested that the Department and the Commission consider their voluntary and local regulatory efforts to protect coho and coho habitat. Siskiyou County’s submissions to the Department describe their efforts currently underway to restore coho populations and habitat. The County emphasizes that local programs are voluntary and believes that a decision to list coho in Siskiyou County will be detrimental to these efforts. In essence, the County argues that participants in the voluntary programs will be dissuaded from continuing due to uncertainty over whether the cost, time and effort will ultimately expose them to prosecution for “take” and other litigation.

---

#### **XI. ALTERNATIVES TO THE LISTING**

